Office-Supreme Court, U.S.
FILED
JUL 10 1981
ALEXANDER L. STEVAS,
CLERK

No. 80-1436

In the Supreme Court of the United States

OCTOBER TERM, 1980

MALCOLM BALDRIGE, SECRETARY OF COMMERCE and
DANIEL B. LEVINE, ACTING DIRECTOR,
BUREAU OF THE CENSUS,
Petitioners

v.

PETER SHAPIRO, ESSEX COUNTY EXECUTIVE

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

JOINT APPENDIX

PETITION FOR A WRIT OF CERTIORARI FILED FEBRUARY 23, 1981
CERTIORARI GRANTED APRIL 27, 1981

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CIVIL DOCKET

DATE	NR.	PROCEEDINGS
8-15-80	1	Complaint filed, 3-12-80.
8-15-80	2	Affidavit of Luna I. Mishoe filed, 8-12-80.
8-15-80	3	Affidavit of Daniel Boggan, Jr., filed 8-12-80.
8-15-80	4	Affidavit of Robert Westreich filed, 8-12-80.
8-15-80	5	Letter re no issuance of summons filed, 8-12-80.
8-15-80	6	Order to show cause extending time for local review of the Census for Essex County, ret. 8-25-80, filed 8-14-80. (Thompson) Notice mailed.
8-15-80	7	Notice of Allocation and Assignment filed. (Newark-Lacey)
8-18-80		Hearing on plaintiff's application for temporary restraining order and Order to show cause. Ordered application for temporary restraining order denied. Ordered Order to show cause to be returnable 8-25-80, in Newark before Judge Sarokin. (Thompson) (8-13-80)
8-18-80	8	Transcript of proceedings of 8-13-80, re temporary restraining order, filed 8-15-80.
8-28-80		At call for hearing on plaintiff's application to extend time for local review of the Census of Essex County, Court indicated application moot. (Sarokin) (8-27-80)
8-28-80		Hearing on defendants' application for summary judgment for disclosure of census bureau address list. Ordered application granted. Order to be submitted. (Sarokin) (8-27-80)
8-28-80		Ordered all persons utilizing said records shall take the oath of confidentiality prescribed in the statute. Order to be submitted. (Sarokin) (8-27-80)

DATE	NR.	PROCEEDINGS

9-4-80 9 Affidavit of Donald R. Dwyer, filed 8-29-80.

9-4-80 10 Order granting disclosure of Bureau of Census Master List, with costs in favor of plaintiff, Peter Shapiro, Essex County Executive and against defendants, Philip M. Klutznick, Secretary U.S. Department of Commerce and Vincent P. Barabba, Director, U.S. Bureau of Census, filed 8-29-80. (Sarokin) Notice mailed.

9-8-80 11 Notice of motion of defendants for stay pending determinating of motion for reconsideration and alteration of judgment, returnable 9-11-80, statement in lieu of brief and affidavit of service, filed 9-5-80.

9-9-80 12 Notice of motion of defendants for an order granting re-argument of the court's 8-29-80 order and vacating and altering that judgment, returnable 10-14-80, statement in lieu of brief and affidavit of service, filed 9-5-80

9-12-80 Hearing on application by defendant of court ruling re inspection of Census Bureau address list by Census of Essex County. Ordered application denied. Ordered Government has until September 19 1980 to determine whether or not to file an appeal. (Sarokin) (9-11-80)

9-18-80 13 Notice of motion of plaintiff for an order granting additional relief returnable 9-19-80 and proof of mailing, filed 9-17-80. (Brief Submitted)

9-22-80 14 Notice of motion of defendants for stay pending appeal, returnable 9-22-80, statement in lieu of brief and affidavit of service, filed.

9-22-80 15 Affidavit of William Hill, filed.

9-23-80 16 Notice of appeal of defendants, Philip M. Klutznick and Vincent P. Barabba, filed 9-22-80 at 9:50 A.M.

9-23-80 Copies of notice of appeal sent to U.S.C.A. and David H. Ben-Asher, U.S. Attorney.

GENERAL DOCKET
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

DATE	FILINGS—PROCEEDINGS

1980

October 10 Certified copy of Notice of Appeal received September 26, 1980, filed.
Record received October 9, 1980, filed.
Brief for appellants, rec'd October 15, 1980, filed. (25cc)
Service of brief and appendix by mail on 10/10/80 attached.

Oct. 15 Motion by appellants for expedited consideration of appeal, with consent of appellee, in which it requests that oral argument be scheduled during the first week of November, 1980 and that the Court render its decision as soon thereafter as possible, *and* in which it states that the appellees' brief will be filed not later than October 28, 1980 and appellants' reply brief will be filed by November 3, 1980, filed. (4cc) Service attached.

Oct. 15 Submitted on above motion. Clerk.

Oct. 16 Appendix, filed. (10cc)

Oct. 17 Order (Clerk) granting the above motion to the extent that briefing will be expedited and the case will be listed for argument at the earliest convenience of the Court; directing that appellee's brief is to be filed no later than October 28, 1980 and appellants' reply brief, if any, must be filed by November 3, 1980, and stating that no extensions of time will be permitted, filed.

Oct. 17 Appearance of Robert Westreich, Esq., for appellee, filed.

Oct. 22 Appearance of Leonard Schaitman and Michael Kimmel, Esqs., for appellants, filed.

Oct. 23 Motion by appellee to vacate stay of the district court order dated October 21, 1980, and compel the Bureau of Census to allow immediate access to its street address

DATE	FILINGS—PROCEEDINGS

1980

date under the terms of the trial court's order or, alternatively, to order a conference between the parties for adoption of the date-sharing plan pending determination of the appeal, filed. (4cc) Service attached.

Oct. 27 Submitted on above motion. Coram:

Oct. 28 Brief for appellee, filed. (25cc) Service by mail on 10/28/80 attached. Certification of bar membership requested 10/28/30.

Oct. 28 Opposition by appellants to appellee's motion to vacate stay or to grant alternative relief, filed. (4cc) Service attached.

Nov. 3 Reply brief for appellants, rec'd November 7, 1980, filed. (25cc) Service by mail on 11/3/80 attached.

Oct. 29 First Supplemental Record (No. 17), filed.

Oct. 31 Order (*Aldisert*, Hunter and Higginbotham, C.J.) granting the motion by appellee to vacate stay (filed 10/23/80), filed.

Oct. 31 Certified copy of above order to Clerk of D.C.

Nov. 3 Clerk's letter, written at the direction of the Court, to Robert Westreich, Esq., counsel for appellee, directing him to file a supplemental appendix setting forth specifically the statement of reasons given by the District Court set forth in the trial record but not included in the appendix, within seven days.

Nov. 6 Motion by appellants for reconsideration of this Court's order dated October 31, 1980, filed. (4cc) Service attached.

Nov. 6 Submitted on above motion. Coram: Aldisert, Hunter and Higginbotham, C.J.

Nov. 10 Opposition by appellee to appellants' motion for reconsideration, filed. (4cc) Service attached.

DATE	FILINGS—PROCEEDINGS

1980

Nov. 10 Supplemental appendix by appellee, rec'd in response to Clerk's letter of November 3, 1980, filed. (10cc)

Nov. 13 Response by appellants to appellee's opposition to appellants' motion for reconsideration, rec'd for the information of the Court. (4cc) Service attached.

Nov. 17 Letter dated November 14, 1980 from Robert Westreich, Esq., counsel for appellee, rec'd for the information of the Court. (4cc) Service attached.

Nov. 21 Letter dated November 20, 1980 from Robert Westreich, Esq., counsel for appellee, requesting the earliest possible decision on the government's motion for reconsideration, so that enforcement of the trial court's order can proceed, rec'd for the information of the Court. (4cc)

Nov. 21 Order (Aldisert, C.J.) directing 10 minutes argument time for each side, filed.

Nov. 24 Order (*Aldisert*, Hunter and Higginbotham, C.J.) denying appellants' motion for reconsideration of this Court's order dated October 31, 1980, filed.

Nov. 24 Certified copy of above order to Clerk of D.C.

Dec. 1 Argued. Coram: Aldisert, Hunter and Higginbotham, C.J.

Dec. 1 Letter dated November 24, 1980 from Michael Kimmel, Esq., counsel for the Government, together with copy of decision rendered November 17, 1980 in a case entitled *City of Hobbs, et al.* v. *Philip M. Klutznick, et al.* in the District Court for the District of New Mexico, rec'd for the information of the Court. (2cc of letter & 4cc of enclosure)

Dec. 1 Judgment Order (*Aldisert*, Hunter and Higginbotham, C.J.) affirming the judgment of the district court generally for the reasons stated by the district court, Supplemental Appendix 1-12; directing that the mandate shall issue December 8, 1980; with costs taxed against appellants, filed.

DATE	FILINGS—PROCEEDINGS

1980

Dec. 3 Letter dated December 2, 1980 from Robert D. Westreich, Esq., counsel for appellee, requesting a transcript of the oral argument in this Court, rec'd.

Dec. 5 Clerk's letter to Robert D. Westreich, Esq., counsel for appellee, confirming that he had been granted leave, on December 3, 1980, to have a Court Reporter make a transcript of the oral argument in this case on December 1, 1980; and also advising that he forward an original of this transcript to be placed in the file of this case.

Dec. 8 Transcript of the oral argument held in this Court on December 1, 1980, rec'd for the information of the Court.

Dec. 8 Order (Chief Deputy Clerk), by direction of the Honorable Ruggerio J. Aldisert, staying the issuance of the mandate of this Court for sixty (60) days from the date of this order, filed.

Dec. 8 Certified copy of order dated December 4, 1980 staying the execution and enforcement of the order of the United States District Court for the District of New Jersey, Civil Action No. 80-2638, entered August 29, 1980, pending further order of the undersigned (William J. Brennan, Jr., Associate Justice of the S.C. of the U.S.) or the Court, rec'd from Clerk of S.C., filed. (S.C. No. A-490)

Dec. 8 Second Supplemental Record, filed.

1981

Feb. 13 Order (Chief Deputy Clerk), by direction of Aldisert, C.J., further staying the issuance of the mandate until 3/5/81, filed.

Mar. 2 Notice—Cert. filed in S.C. on 2/23/81, filed. (S.C. No. 80-1436)

Apr. 30 Order—Cert. granted 4/27/81, filed. (S.C. No. 80-1436)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 80-2638

PETER SHAPRIO,
Essex County Executive, PLAINTIFF

v.

PHILIP M. KLUTZNICK,
Secretary, U.S. Department of Commerce, and
VINCENT P. BARABBA,
Director, U.S. Bureau of the Census, DEFENDANTS

COMPLAINT

JURISDICTION

1. This is an action pursuant to 5 U.S.C. ¶ 552, The Federal Freedom of Information Act, for the disclosure of the address lists used by the Bureau of the Census, Department of Commerce, for mailing and delivering 1980 Census Forms. Jurisdiction is predicated on 5 U.S.C. 552(a)(4)(B).

PARTIES

2. Plaintiff, Peter Shapiro is County Executive of Essex County, the Chief Administrative and Executive officer of the County which is a political subdivision of the State of New Jersey. He sues in his official capacity and as a citizen and taxpayer of the United States.

3. Defendant, Philip Klutznick is the Secretary of the United States Department of Commerce and is responsible for administration of the Bureau of the Census within the Department of Commerce. He is sued in his official capacity.

4. Defendant, Vincent P. Barabba is Director of the United States Bureau of the Census and is sued in his official capacity.

ALLEGATIONS

5. The 1980 Census is the decennial census mandated by Article 1, Section 2 of the United States Constitution. The Census tallies, *inter alia*, the number of housing units and people living in defined geographical areas, including counties, municipalities, and Enumeration Districts.

6. The Census is critically important to urbanized counties like Essex and their municipalities. The results of the Census are used to apportion congressional and state legislative seats and to allocate billions of dollars of Federal funds through more than 100 federal programs. Unless the Census accurately determines County housing and population characteristics the interests of the County, its municipalities and residents may be grievously disserved.

7. Because of past disputes over the accuracy of the Census, the Bureau of the Census has established a Local Review Program "designed to improve the completeness and accuracy of the 1980 Census. Its purpose is to allow for the review of population and housing counts by local government officials, before the counts become final and while census district offices are open and able to check reported discrepancies." United States Department of Commerce, Bureau of the Census, *Revised Local Review Program Information Booklet*, April 1980.

8. Local Review Program rules require that the Census district offices, be provided with "hard" data indicating counting errors within ten working days of receipt by local government of preliminary housing and population counts.

9. Preliminary counts for the City of Newark were received on August 4, 1980. The data indicates a loss

of population from 381,930 in 1970 to 308,960 in 1980 and a loss of housing units from 127,000 in 1970 to 120,000 in 1980. Plaintiff believes that both the housing and population figures may represent substantial undercounts for the City of Newark. The loss of population indicated by the Bureau's preliminary data may mean a loss of as much as $11 million annually in federal funds to the county.

10. Preliminary counts for the remaining municipalities in Essex County are expected to be received sometime between August 10 and August 20, 1980.

12. In order to participate fully in the local review process and to assure an accurate count of housing and population, Essex County has developed a comprehensive list of street addresses within the County. It is the County's intention to compare its list with the list used by the Bureau of Census for delivery of its Census Forms in order to determine whether the Bureau has reached all sites of housing units within the County.

13. To complete this project, the County has repeatedly sought to obtain the list of addresses used by the Bureau for the mailing and delivery of its 1980 Census Forms. The Bureau's public information office, its General Counsel's office, its regional office and the local district offices have all been contacted in an effort to obtain this information.

14. The Bureau, however, refuses access to this material. Attached as Exhibit A, is a letter from Paul J. Burke, legal advisor of the defendant Bureau, setting forth the Department of Commerce's final response to these inquiries, denying access on grounds of confidentiality.

15. The data sought by plaintiffs does not fall within any of the exceptions to the Freedom of Information Act 5 USCA 552 et seq. Plaintiffs are entitled to have access to this information and defendants' refusal to allow access is illegal.

IRREPARABLE INJURY

16. Plaintiffs are entitled to injunctive relief under 5 USCA 552. Plaintiffs are also faced with irreparable injury unless access to this data is provided and unless the time for local review is tolled. Plaintiffs will be unable to review the Bureau's preliminary population and housing data and will be unable to report discrepancies to the Bureau within the allotted ten day time period.

RELIEF

WHEREFORE, Plaintiffs demand judgment

1. Enjoining defendants from withholding the address lists used to mail and deliver the 1980 Census Forms within Essex County, New Jersey.
2. Ordering Defendants to produce forthwith the above described records.
3. Tolling the time for local review of the preliminary census count for Essex County until production of such records.
4. Awarding Plaintiffs reasonable attorneys' fees.
5. Awarding such other relief as may be appropriate.

DAVID H. BEN-ASHER
Essex County Counsel
Essex County Hall of Records
Newark, New Jersey
(201) 961-7075

By: /s/ Robert Westreich
ROBERT WESTREICH
Assistant County Counsel

EXHIBIT "A"

[SEAL]

GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE
Washington, D.C. 20233

August 5, 1980

Robert Westreich, Esquire
Essex County Council
Hall of Records
Newark, New Jersey 07102

Dear Mr. Westreich:

This is in response to our telephone conversation regarding the confidentiality of the address registers used by the Bureau of the Census in conducting the 1980 Census of Population.

The address register is made up of addresses purchased commercially and addresses obtained by Census employees by personally interviewing respondents. All of this information is gathered under the provisions of title 13, United States Code. Under section 9 of that title, information obtained must be kept confidential. Section 214 provides a penalty for any Census employee who would disclose such information, including addresses.

I am enclosing two court decisions (*Seymour* v. *Barabba*, 559 F.2d 806 and *United States* v. *International Business Machines Corp.*, 66660 1975-2 (Trader Cases) which concern the confidentiality of Census data and which you might find of interest.

Sincerely,

/s/ Paul J. Burke
PAUL J. BURKE
Legal Adviser
Bureau of the Census

Enclosures

EXHIBIT B

[SEAL]

COUNTY OF ESSEX
OFFICE OF THE COUNTY COUNSEL

DAVID H. BEN-ASHER
County Counsel

Hall of Records
Newark, New Jersey 07102
201-961-7077

August 1, 1980

Mr. James Lincoln
Bureau of Census
Department of Commerce
Washington, D.C. 20233

Dear Mr. Lincoln:

This is a request for information under the Freedom of Information Act, 5 USCA § 552. Kindly provide the following documents and information:

— For Essex County, New Jersey, for each municipality within the county, and for each Enumeration District within the county, a list of all addresses to which 1980 census forms were mailed or otherwise delivered.

— For Essex County, New Jersey, for each municipality within the county, and for each Enumeration District within the county, the number of addresses to which 1980 census forms were mailed or otherwise delivered.

This information is sought so that the county will be able to participate in a meaningful way in the local review process. We anticipate receiving some of our preliminary data within the next ten days and, hence, it is essential that we receive the requested information in that time.

Thank you for your cooperation in this matter.

Very truly yours,

DAVID BEN-ASHER
County Counsel

BY /s/ Robert Westreich
ROBERT WESTREICH
Assistant County Counsel

RW:RG

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No

PETER SHAPIRO, ESSEX COUNTY EXECUTIVE, PLAINTIFF

vs.

PHILIP M. KLUTZNICK, SECRETARY,
UNITED STATES DEPARTMENT OF COMMERCE, DEFENDANTS

AFFIDAVIT

STATE OF NEW JERSEY)
) SS
COUNTY OF ESSEX)

LUNA I. MISHOE, of full age, being duly sworn according to law, on his oath deposes and says:

1. I am Director of the Division of Planning of the County of Essex, New Jersey and am responsible for development of the County's housing and population data in connection with the 1980 census.

2. The list of addresses sought by the County through this litigation is essential for meaningful review of the preliminary housing and population counts prepared by the Bureau of the Census. Only by comparing the Bureau's list with the list developed by the County can we determine whether each potential housing site in the County has been identified by the Bureau.

3. The need for local review of the Bureau's determinations is substantial. The Bureau itself reports an undercount of some 10 million people in the 1970 census. Siegel, J., *Coverage of Population in the 1970 Census and Some Implications for Public Programs*, U.S. Bureau of the Census (1975).

4. Substantial sums of money are at stake in the Bureau's determinations. Essex County receives more

than $73 million annually in federal funds allocated at least in part according to census data. It is estimated that more than $150 in federal money is lost to the County for each person missed by the Census and, hence, a significant undercount can mean the loss of vast sums of money and a crippling of essential public service programs. The preliminary data for Newark, for example, indicating a loss of roughly 73,000 residents since 1970, may mean a loss of $11 million annually in federal benefits or $110 million during the next 10 year period.

5. The municipalities located in the County also receive direct federal funding and, hence, the total amount of money allocated to the benefit of Essex County residents far exceeds the $73 million noted above. Any loss of federal dollars due to a significant undercount will impede and cripple important public service programs. Undercounting within the County can be a major contributor to overall decline of the economy, environment and health of the County.

6. In addition, Congressional, Freeholder and State Legislative districts must be redrawn if substantial undercounts result. Of immediate concern is the Congressional representation. Each district currently represents approximately 478,000 people. This determination is based upon 1970 census data. With a projected loss of approximately 75,000 people from Newark, several additional contiguous towns must be redistricted as a part of the 10th district or Newark will be cut up into other congressional districts. Either way political representation will be reduced considerably at a time when it is most needed to overcome its urban problems.

7. We have made repeated efforts over the past several months to obtain the Bureau's address lists. Twice during June 1980 and twice more in July, the local district offices, the regional office in New York, and the Bureau's Washington D.C. office have been contacted in an effort to obtain the address list we seek. We have been repeatedly refused access and were finally notified on

August 5, 1980 by the Bureau's legal advisor that access would be denied on grounds of confidentiality.

8. The local review process requires that local officials identify the errors in the Bureau's data and identify the Enumeration Districts in which the errors appear. Unless the County implements its own housing unit census, an impossibility in view of our resources, it will be unable to participate meaningfully in local review without access to the Bureau's address lists.

9. The County has developed its own address list from municipal tax records and has included in that list, so far as we can determine, every street address in the County. We intend to compare the Bureau's list to our own in order to determine whether the Bureau has missed any addresses and, hence, any housing units and people.

/s/ Luna I. Mishoe
LUNA I. MISHOE

Sworn to and Subscribed before me
this 11 day of August, 1980.

/s/ [Illegible]
An Attorney at Law
in the State of New Jersey

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No

PETER SHAPIRO, Essex County Executive
PLAINTIFF

v.

PHILIP M. KLUTZNICK, Secretary
U.S. Department of Commerce

VINCENT P. BARABBA, Director
U.S. Bureau of the Census
DEFENDANTS

AFFIDAVIT

STATE OF NEW JERSEY)
) SS
COUNTY OF ESSEX)

Daniel Boggan, Jr., of full age, being duly sworn according to law, upon his oath, deposes and says:

1. I am the duly appointed County Administrator of Essex County, New Jersey, and am serving on this date as Acting County Executive in the plaintiff's stead.

2. An accurate 1980 Census is essential to the welfare of the County and its residents. The County receives more than $73 million annually through a variety of federal programs that use the Census for apportioning dollars among local governments. These programs serve such essential public purposes as job training, community development, services for the aging, education, welfare and others. Census results are also used for apportioning representation in Congress and the State Legislature.

3. Any undercount of the County's population and, particularly, the poor and minority populations of the County, will mean a concomitant reduction in the Coun-

ty's ability to serve its residents and in the residents' ability to have their voice heard in the State and Federal Legislatures.

4. An undercount by the Bureau of the Census is not a mere theoretical possibility. In 1970, the Census failed to find more than 10 million people, a disproportionate number of whom lived in urbanized areas like Essex County.

5. To ameliorate the undercount problem, Essex County has developed a comprehensive list of street addresses within the County. By comparing our list with the list used by the Bureau to mail and deliver Census Forms, we will be able to locate and present to the Bureau addresses, and thus housing units and people, that the Bureau failed to find.

6. The County has made repeated attempts to obtain the Bureau's address list and has been repeatedly rebuffed. The Bureau's claim of confidentiality for this material is unsupportable. The County does not seek any information contained in the individual census reports nor any information whereby the data furnished by any particular establishment or individual can be identified. 13 U.S.C.A. ¶ 9. Moreover, the County seeks access to the Bureau's address list solely to determine its accuracy for purposes of the Census.

7. Without access to the Bureau's list of addresses, the county will have no means to determine the accuracy of the Bureau's count. It is thus absolutely essential that the county receive access to this material.

8. It is also essential that this material be received by the County at the earliest possible date. The Bureau has set aside only ten days for local government to present hard data indicating error in the Census tallies. This ten day period is the only administrative procedure available for correction of counting errors and is, as a practical matter, the most effective procedure of any kind. It is consequently imperative that the County obtain access to the Bureau's address lists and obtain

that access at a time that will allow effective participation in the local review process. We have already received data for Newark and we anticipate that the rest of the County will begin to receive its preliminary census data by August 10. Because receipt of that data triggers the start of the ten day review period, it is critically important that this matter be heard at the earliest possible date and that emergent relief be granted.

/s/ Daniel Boggan, Jr.
DANIEL BOGGAN, JR.

Sworn and subscribed to
before me this 11th day
of August, 1980.

/s/ David Ben-Asher
an attorney at law
of the State of New Jersey

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No

PETER SHAPIRO, Essex County Executive
PLAINTIFF

v.

PHILIP M. KLUTZNICK, Secretary
U.S. Department of Commerce

VINCENT P. BARABBA, Director
U.S. Bureau of the Census
DEFENDANTS

AFFIDAVIT

STATE OF NEW JERSEY)
) SS
COUNTY OF ESSEX)

ROBERT WESTREICH, of full age, being duly sworn according to law, upon his oath deposes and says:

1. I am the attorney responsible for the present litigation.

2. On August 1, 1980, I served a freedom of information request on James Lincoln, the FOIA officer for the Department of Commerce. The request sought release of the Census Bureau's address register for Essex County.

3. On that same date, I spoke to Paul Burke, Esq., legal adviser to the Bureau and asked for the Bureau's position on disclosure of the defendants' address lists. I was advised by Mr. Burke that it is the Bureau's firm position that the address lists are confidential. This position was subsequently confirmed in writing by Mr. Burke and that correspondence is attached as Exhibit "A" to the Complaint.

4. On August 11, I spoke to staff in the Bureau's "Correspondence" section which, I was advised, is responsible for reacting to FOIA requests. I was advised that the Bureau had not yet prepared a response to my informational request and that it was uncertain whether a response would be forthcoming before August 15.

5. On August 11, 1980, I spoke with Valerie Mauceri, Esq. of the U.S. Attorney's Office, described the nature of this litigation, and advised her that I would attempt to initiate this matter by way of an Order to Show Cause on this date, August 12, 1980.

/s/ Robert Westreich
ROBERT WESTREICH, ESQ.

Sworn and Subscribed to
before me this 12 day
of August, 1980.

/s/ Marc C. Gettis
MARC C. GETTIS
Attorney at Law of N.J.

CENSUS '80

REVISED LOCAL REVIEW PROGRAM INFORMATION BOOKLET

INTRODUCTION

The Local Review Program is one of several Census Bureau efforts specially designed to improve the completeness and accuracy of the 1980 census. Its purpose is to allow for the review of population and housing counts by local government officials before the counts become final and while census district offices are open and able to check reported discrepancies.

Local review is aimed at improving the accuracy of the census by helping to pinpoint such major problems as clusters of missed housing units, geographic misallocations resulting in housing units or group quarters being recorded in an incorrect location, or incorrectly located geographic boundaries. It is hoped that most local areas will have their own data on the number of housing units and estimates of the institutional population in the community and its sub-areas to compare with the census counts.

Therefore, the purpose of the Local Review Program remains unchanged from its original inception several years ago—to utilize and benefit from expert local knowledge to insure accurate census counts. However, as recently announced to local officials, the timing and scope of the program have changed from the original plan. This booklet, therefore, supersedes any describing the Local Review Program that were published prior to March, 1980. For an explanation of terminology used in this booklet refer to Appendix 1.

GENERAL PROGRAM CHANGES

The original Local Review Program had scheduled two review operations for mail-out/mail-back enumeration areas and one local review operation for conventionally (door-to-door) enumerated areas.[1] The revised Local Review Program will take place beginning June 1980, depending on the status of the enumeration, and will involve one review of population and housing counts. The geographic level of review has also been revised for blocked areas; all general governments below the state level will be presented with enumeration district (ED) counts for review. Block counts will not be provided for review.

Local review will occur at a late stage in the census field operations but before all field work is finished. Therefore, it should be noted that further checks of the counts are occurring concurrent with the local official review of census counts.

DECRIPTION OF LOCAL REVIEW LISTINGS AND AREAS SHOWN ON LOCAL REVIEW MAPS

Local Official Review Geographic Areas Reference List (D-416)—The Local Official Review Geographic Areas Reference List (D-416) has been provided to assist in preparation for the Local Review Program. The reference list shows all political and statistical areas for which you will be receiving census counts. Census blocks are shown within ED for reference purposes only in jurisdictions containing census blocks.

With the exception of census blocks, the presentation of political and statistical areas is identical to that which will be shown on the Local Official Review Listing (D-341). See Appendix 3, numbers 2, 3, and 4 for an explanation of the symbols and sequence shown on the reference list.

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[1] For a list of areas being enumerated conventionally, see Appendix 2.

The reference list can be used in conjunction with the local review maps to prepare and organize local data in advance of receiving the census counts. The reference list shows the manner in which the census counts will be organized.

Local Review Maps—The local review maps are also provided to assist you in preparing for participation in the Local Review Program. The maps show political and statistical areas (including census blocks where appropriate) which comprise the jurisdiction. The boundaries shown on the maps will be those on which the local review counts are based. The maps for mail census areas will show legal boundaries as of January 1, 1978. Maps for conventionally enumerated areas will show legal boundaries as of January 1, 1979. Legal boundary changes reported in the January 1, 1979 and 1980 Boundary and Annexation Survey will be shown on the 1980 census publication maps, which are currently being prepared.

Local Official Review Listing (D-341) as revised—The Local Official Review Listing (Form D-341) to be provided beginning June 1980, will present counts of population and housing units, including group quarters population, vacant housing units, and vacancy rates, for each governmental unit, and the governmental sub-areas and statistical areas, excluding census blocks, within each. In addition, where available, the 1970 total housing unit counts, the 1970-1980 percent change in housing unit counts, the 1970 total population, the 1970 population per household, and the 1970-1980 percent change in population will be shown for census tracts, places, minor civil divisions and counties. An explanation of the listing format and examples of the listings can be found in Appendix 3.

The census counts shown for local review will be based on the jurisdiction's legal boundaries as of January 1, 1978 in mail census areas, and January 1, 1979 in con-

ventionally enumerated areas. However, preliminary census counts released after the closing of the district offices (and final counts released at a later date) will reflect legal boundaries as of January 1, 1980.

QUALITY OF THE LOCAL REVIEW COUNTS

At the stage of the census operation when local review counts are produced, the population counts are not complete. In most cases, local review population counts are expected to be lower than the final counts. Further field operations mentioned previously will occur after the compilation of local review counts. In addition, counts will change due to boundary changes and annexations occurring between January 1, 1978 or 1979 and January 1, 1980. Therefore, local review counts are unofficial and are not intended to satisfy any legal purpose, such as redistricting, for which official census counts are to be used.

REVIEW TIME PERIOD

The duration of the local review period—10 working days from the receipt of the review materials—remains the same as in the original plan. However, because the local review counts will be produced and distributed at an earlier date and responses from local officials received and investigated earlier, the census district offices will have more time than they would have had under the original plan to work with local officials to resolve problems.

RESPONDING TO LOCAL REVIEW

The procedure for commenting on the local review counts and reporting significant disagreements between local estimates and the census counts remains essentially the same. The local official/liaison will notify the assigned census representative, (whose name, address and telephone number will be provided with the local review

counts) of differences to be investigated. Differences should be submitted in writing using the Local Review Response Form (D-74) to be provided. All differences must be supported by "hard evidence," which should be described in the response. (See example response in Appendix 4.) Checks of ED's will be made, as necessary, and as time and budget allow, starting with the ED's having the largest differences between the census counts and the local estimates.

Following the completion of local review and the balance of the census field operations, preliminary population and housing unit counts will be announced to the public in the form of a press release. Prior to the issuance of the press release, local officials will receive notification of the census results for their localities. These counts will be preliminary, and will reflect legal boundaries as of January 1, 1980. Counts presented in the local official notification and census press releases should reflect the results of local review efforts along with other changes brought about by the various field checks. However, it is still possible that some corrections will not be incorporated until the final counts are produced.

CRITERIA FOR LOCAL RESPONSES

Local review data should be prepared at the ED or ED/block level and areas for which counts are questioned should be pinpointed at the ED level. Responses must be formalized in writing using the Local Review Response Form (D-74) (to be provided and/or by annotating the Local Official Review Listing (D-341).

Counts questioned must be accompanied by local data. The local data must be reasonably current and be dated as of 1978, 1979, or 1980. The local data must be accompanied by a description of its source. Acceptable sources are special censuses, State and local censuses, lists of institutions and associated populations, local estimates of housing units derived from building and

demolition permits, utility connections, land use maps, aerial photography, tax assessors files, field counts of housing units or other housing unit inventories, or residential address lists.

HOW TO PREPARE LOCAL DATA FOR THE REVIEW OF ED COUNTS

Local Estimates—In preparing your local review data, please keep in mind that in general, population estimates for small areas are not an acceptable source on which to base a report of a discrepancy. Therefore, housing unit estimates are recommended for local review. In addition, local surveys taking place during the census period are discouraged as they may confuse the public and can have a negative impact on cooperation with, and response to, the Decennial Census.

Preparation for local review of ED counts is divided into 2 sections; A for jurisdictions containing no census blocks and B for jurisdictions containing census blocks. To determine if your jurisdiction contains census blocks, refer to the "Local Official Review Geographic Areas Reference List" enclosed. If no blocks are listed, refer to section A; if blocks are listed, refer to section B. For jurisdictions containing both blocked and non-blocked areas, refer to both sections.

A. Local review of ED counts for jurisdictions containing no census blocks—there has been no change in the geographic focus of the Local Review Program for these jurisdictions. Counts for all political and statistical areas recognized by the Census Bureau for local review purposes will be provided for most jurisdictions in June of 1980. These areas are shown on the Local Official Review Geographic Areas Reference List (D-416) enclosed.

   Estimates for small areas, such as locally defined blocks, can be combined to produce estimates for

ED's. The housing unit estimates for ED's can be compared to the counts to be provided. Inform the census representative of the results. If the counts agree with local estimates the census representative should be so informed. However, should the review pinpoint a specific ED where the census count is significantly different from the local estimate, or should you suspect that a new housing development or group quarters or some other such case was missed and for which you can specify the location within the ED, fill out the Local Review Response Form that will be provided. (Please refer to the example provided in Appendix 4.) If possible, provide lists of residential addresses for the ED, or area within the ED, in question. Such information will expedite our investigations.

B. Local review of ED counts for jurisdictions containing census blocks—The major change in the Local Review Program that will affect these jurisdictions is the change in the geographic level of the data appearing on the local review list. ED counts, rather than census block counts, will be provided. However, to carry out the review, it is still advisable to prepare review estimates at the block level, if possible. Block estimates may then be summed to ED's and comparisons with the counts made. For a description of how to prepare for and respond to local review of ED counts, refer to section 1 (following) if your jurisdiction has local estimates for census blocks; refer to section 2 (following) if the jurisdiction does not have available estimates for census blocks.

1. Jurisdictions having local estimates for census blocks—In advance of deceiving local review counts it is advisable to summarize estimates for census blocks to the ED level. The enclosed Local Official Review Geographic Areas Reference List

has been provided for the purpose of listing all census blocks contained within each ED. This list can be used to aggregate block estimates to ED's.

When the local review counts are received, compare local estimates to the ED counts. If counts agree with local estimates, the census representative should be so informed. However, should the review pinpoint a specific ED where the census count is significantly different from the local estimate, fill out the Local Review Response Form that will be provided. (Please refer to the example provided in appendix 4.) List not only the ED and associated local estimates, but include estimates for census blocks which make up the ED. If possible, provide lists of residential addresses for the ED or blocks within the ED. Such information will expedite our investigations.

2. Jurisdictions not having local estimates for census blocks—For jurisdictions not having review data for census blocks "on hand" an attempt to prepare such data at this time may not be feasible because of time constraints. It is therefore recommended that jurisdictions in this category follow the procedures outlined in section A.

The Census Bureau looks forward to your continued cooperation with the 1980 Census Local Review Program. If you have any questions, contact:

Chief, Decennial Census Division
Bureau of the Census
Washington, D.C. 20233

APPENDIX 1

DICTIONARY OF TERMS

Address—The unique identification of a housing unit. It includes the basic street address (see below) and any other identifiers, such as apartment or unit designations or descriptions, needed to identify a unit uniquely. Example: "11 Main St." is the basic street address.

Alaska Native Village—An entity entitled to participate in the distribution of public lands in Alaska and identified as a village in the Alaska Native Claims Settlement Act (PL. 92-203), as revised by legal actions from time to time.

Asterisk (*) and Fishhook (N)—These are symbols used on the maps.

A fishhook is a symbol used to indicate that areas across a map feature belong to the same geographic unit (usually a block). Whenever a physical feature (such as a creek, wash, brook, railroad tracks, etc.,) runs through a block on a map and the areas on both sides of the feature are included in the block, a "fishhook" is printed across the feature. Also, in some cases the block number, followed by an asterisk, is printed on each part of the block. An asterisk is also printed after a block number when parts of the block are shown on different maps.

Basic Street Address (Basic Address)—The house number and street name portion of an address (for example, "11 Main St."). The basic address for a multi-unit structure should not contain apartment or unit designations or descriptions; "11 Main St." is the basic address for all apartments at 11 Main Street. However, when a specific building is identified by a fractional number or letter, the fraction or letter should be included as a suffix to the house number (for example, "1201 Main St." or "505A Market St.").

Block—Census blocks are areas that are bounded on all sides by visible features such as streets, roads, railroad tracks, rivers, etc., or by invisible boundary features such as city or county limits. Blocks are numbered in virtually all urbanized areas, in incorporated municipalities with 100,000 or more population, and in areas that have contracted with the Bureau for block statistics.

Block number—A three-digit number that identifies a census block on a census map. Block numbers are unique within census tract/BNA.

Block Numbering Area (BNA)—An untracted area that has been block numbered, for example, municipalities of 10,000 or more population or a contract block area. All such areas carry a pseudotract number with "99" as the first two digits.

Borough—A political subdivision which is regarded by the Census Bureau as an incorporated place in Connecticut, New Jersey, and Pennsylvania. In Alaska, a borough is equivalent to a county for Census purposes (see Census Areas). In the five counties of New York City, the boroughs are non-functioning MCD's.

Boundary—A line, either physical or invisible, that defines an area of land (for example, block, enumeration district). Physical boundaries include political boundaries (for example, city limits, county lines, etc), property boundaries, street extentions, etc.

CCD (See Census County Division)

CCD Boundary—the boundary of a census county division. CCD boundaries normally follow census tract boundaries in counties which are tracted and physical features in untracted counties. In some instances, they may follow corporate limits.

CCD Code—A three-digit number, assigned by the Census Bureau, used to identify a CCD. It serves the same purpose as the MCD code.

CDP (See Census Designated Place)

Census Area (Alaska only)—A county equivalent where there is no organized borough.

Census County Division (CCD)—A subdivision of a county which is a relatively permanent statistical area, established cooperatively by the Census Bureau and local government authorities, and is used for presenting statistics in those States which do not have minor civil divisions appropriate for census purposes.

Census Designated Place (CDP)—A densely settled population center which is not incorporated as a city, village, town, etc., but which resembles a municipality in that it can be identified with a name by most people. Each census designated place has a definite nucleus of residences. The boundaries are drawn by the Census Bureau, based on local suggestions, to include, as far as possible, all the surrounding closely settled areas. These boundaries have no legal status, nor are there any officials elected to serve the traditional municipal functions. Previously known as "unincorporated place."

Census Tract—Census tracts are small areas into which Standard Metropolitan Statistical Areas (SMSA's), and some other areas outside of SMSA's have been divided for statistical purposes. Tracts are generally designed to encompass areas with some uniformity of population characteristics, economic status and living conditions. Boundaries are established cooperatively by local committees and the Bureau, with the intention that they will be retained over a long period of time so that comparisons can be made from census to census. Tracts in residential areas usually average 2,500-8,000 population.

Census Tract Boundary—The boundary of a census tract. Tract boundaries normally follow physical features and the county line but may follow political boundaries in some instances.

Census Tract Number—A one-to-four digit number, often with a two-digit suffix, used to identify a census tract. They are unique within county.

Corporate Limit—The legally defined boundary of an incorporated municipality. This boundary is subject to change through the process of locally initiated annexation, detachment and/or disincorporation.

County—The primary subdivision of a State and usually a governmental unit with powers defined by State law. Also see "County Equivalents."

County Equivalents—Independent cities in Georgia (Columbus), Virginia, Maryland (Baltimore), Missouri (St. Louis) and Nevada (Carson City), parishes in Louisiana, municipios in Puerto Rico, boroughs/census areas in Alaska—all are political geographic entities which are not counties, but are treated as such for tabulation purposes.

District Office—A temporary office opened locally for the purpose of taking the census. The area served by a District Office is generally one or more whole counties. Where counties must be divided into more than one District Office because of population size, the division is by whole census tracts.

ED (See Enumeration District)

ED Number—A unique four-digit number identifying each ED in the District Office area. If the left hand digits are zeros, the zeros may not be printed, for example, ED 0025 may be shown as "ED 25" on the census maps.

Some ED numbers may contain a letter prefix and/or suffix, for example, ED N0025, ED 0026T, and ED A0027U.

Enumeration District (ED)—A small geographic area established by the Census Bureau as a basic unit for

data collection and tabulation. An enumeration district (ED) usually represents the average workload for one enumerator during enumeration. An ED does not cross the boundaries of any other higher-level legal or satistical area, such as MCD/CCD, place, county, or tract. ED boundaries are not the same from census to census, therefore, 1970 census counts are not applicable for 1980 ED's.

Geographic allocation/misallocation—Geographic allocation is the assigning of housing units and group quarters to the proper geographic and statistical area for purposes of tabulating the census counts. Geographic misallocation occurs when enumerated housing units and/or group quarters are assigned to, and as a result tabulated in, the wrong geographic and statistical area. An example might be when the inmate population at a prison is assigned to the tract where the prison administration building is located. In reality, the residential facility is located in an adjacent census tract, and should be counted in the adjacent census tract where it is located.

Group Quarters—Any living quarters which are occupied by nine or more persons unrelated to the resident who owns or rents the living quarters or by ten or more unrelated persons. By definition, group quarters are typically found in college dormitories, fraternity houses, nurses' dormitories, halfway houses, large rooming or boarding houses, and military barracks, or institutions such as prisons, long-term care hospitals, and homes for the aged. There are two types, institutional group quarters and noninstitutional group quarters.

Household—An occupied housing unit.

Housing Unit—A housing unit is a house, apartment, a group of rooms, or a single room occupied as a separate living quarters, or if vacant, intended for occupancy as a separate living quarters.

1. "Separate living quarters" are those in which:

a. the occupant(s) live and eat separately from other person(s) in the building, and

b. the occupant(s) have direct access from the outside of the building or through a common hall (as in an apartment building, etc.).

2. If vacant, the criteria of separateness and direct access apply to the intended occupants.

3. If occupied, a tent, houseboat, lean-to, etc., may be a housing unit.

4. If a living quarters contains nine or more persons unrelated to the resident who owns or rents the quarters, or ten or more unrelated persons, it is not a housing unit, but a group quarters.

Incorporated Municipality—A political unit incorporated as a city, town (except in New England, New York, and Wisconsin), village, or borough (except in Alaska) having legally prescribed limits, powers and functions.

Indian Reservation—An area of land set aside by treaty, statute, executive order, or court decision, over which an Indian tribe exercises to some degree its civil jurisdiction.

Living Quarters—Each place where people live or could live is referred to as living quarters. There are three types of living quarters: housing units, noninstitutional group quarters, and institutional group quarters.

Minor Civil Division (MCD)—The primary political and administrative subdivision of counties; for example, townships, towns (New England, New York, Wisconsin), election districts, magisterial districts, gores, etc. In some States (for example Kansas, Maine, Michigan, New Jersey) some or all municipalities are independent of any MCD and are treated as MCD equivalents.

Place—The term "place" in Census reports refers to both legally established incorporated municipalities and to

other densely settled population centers which are not separately incorporated but are identified as census designated places.

Tract (See Census Tract)

Unclassified Housing Unit—A housing unit for which it has not been determined whether it is vacant or occupied. These are included in the total housing unit count, but are excluded when determining vacancy rate and population per household.

APPENDIX 2

AREAS BEING ENUMERATED CONVENTIONALLY

The following is a list of States or portions of States that will be enumerated conventionally in the 1980 Decennial Census. In some cases, an exception indication is the easiest way to present this information.

State	Areas (Counties, unless otherwise noted)		
Alaska	Entire State		
Arizona	Entire State except the following counties:		
	Cochise	Pima	Santa Cruz
	Maricopa	Pinal	
California	Alpine	Lassen	Plumas
	Amador	Madera	Shasta
	Calaveras	Mariposa	Sierra
	Del Norte	Mendocino	Siskiyou
	Humboldt	Modoc	Tehama
	Inyo	Mono	Trinity
	Lake	Nevada	Tuolumne
Colorado	Entire State except the following counties:		
	Adams	Douglas	Pueblo
	Arapahoe	El Paso	Teller
	Boulder	Jefferson	Weld
	Denver	Larimer	
Hawaii	Hawaii	Honolulu (part-census	
	Kauai	tracts 86.01, 91, 96.01,	
	Maui	96.02, 97, 98, 99.01,	
		99.02, 100, 101, 102.01,	
		102.02, 103.01, 114)	
Idaho	Entire State except the following counties:		
	Ada	Gooding	Payette
	Canyon	Jerome	Twin Falls
	Elmore	Minidoka	
	Gem	Owyhee	
Kansas	Barton	Hodgeman	Republic
	Cheyenne	Jewell	Rooks
	Clark	Kearney	Rush
	Cloud	Lane	Russell
	Decatur	Lincoln	Scott
	Edwards	Logan	Seward
	Ellis	Meade	Sheridan
	Ellsworth	Mitchell	Sherman
	Finney	Morton	Smith

Kansas (continued)	Ford	Ness	Stafford
	Gove	Norton	Stanton
	Graham	Osborne	Stevens
	Grant	Ottawa	Thomas
	Gray	Pawnee	Trego
	Greeley	Phillips	Wallace
	Hamilton	Rawlins	Wichita
	Haskell		
Maine	Aroostook	Lincoln	Somerset
	Hancock	Penobscot	Waldo
	Knox	Piscataquis	Washington
Massachusetts	Barnstable, Dukes, and Nantucket Counties only.		
Michigan	Alcona	Emmet	Marquette
	Alger	Gogebic	Menominee
	Alpena	Grand Traverse	Missaukee
	Antrim	Houghton	Montmorency
	Baraga	Iosco	Ogemaw
	Benzie	Iron	Ontonagon
	Chalevoix	Kalkaska	Oscoda
	Cheboygan	Keweenaw	Otsego
	Chippewa	Leelanau	Presque Isle
	Crawford	Luce	Roscommon
	Delta	Mackinac	Schoolcraft
	Dickinson		
Minnesota	Aitkin	Itasca	Norman
	Beltrami	Kittson	Pennington
	Carlton	Koochiching	Pine
	Cass	Lake	Polk
	Clearwater	Lake of the woods	Red Lake
	Cook	Mahnomen	Roseau
	Hubbard	Marshall	St. Louis (part-census tracts 102-106, 111-114, 121-141, 151-155)
Montana	Entire State except the following counties:		
	Cascade		
	Yellowstone		
Nebraska	Entire State except the following counties:		
	Burt	Gage	Saline
	Butler	Jefferson	Sarpy
	Cass	Johnson	Saunders
	Cedar	Knox	Seward
	Colfax	Lancaster	Stanton
	Cuming	Madison	Thayer

Nebraska (continued)	Dakota	Nemaha	Thurston
	Dixon	Otoe	Washington
	Dodge	Pawnee	Wayne
	Douglas	Pierce	York
	Fillmore	Richardson	
Nevada	Entire State except the following counties:		
	Clark	Storey	
	Douglas	Carson City	
	Lyon	Washoe (part-census tracts 1-30, 32)	
New Mexico	Entire State except the following counties:		
	Bernalillo	Sandoval	
	Los Alamos	Santa Fe	
North Dakota	Entire State except the following counties:		
	Cass		
	Grand Forks		
Oregon	Baker	Hood River	Sherman
	Crook	Jefferson	Umatilla
	Deschutes	Klamath	Union
	Gilliam	Lake	Wallowa
	Grant	Malheur	Wasco
	Harney	Morrow	Wheeler
South Dakota	Entire State except Minnehaha County		
Texas	Brewster	Jeff Davis	Schleicher
	Coke	Kimble	Sterling
	Crane	Loving	Sutton
	Crockett	Menard	Terrell
	Culberson	Pecos	Upton
	Edwards	Presidio	Val Verde
	Glasscock	Reagan	Ward
	Hudspeth	Reeves	Winkler
	Irion		
Utah	Entire State except the following counties:		
	Box Elder	Salt Lake	
	Cache	Summit	
	Davis	Tooele	
	Morgan	Utah	
	Rich	Weber	
Washington	Adams	Ferry	Pend Oreille
	Asotin	Garfield	Stevens
	Columbia	Lincoln	Whitman
	Douglas	Okanogan	

Wisconsin	Ashland	Forest	Polk
	Barron	Iron	Price
	Bayfield	Marinette	Rusk
	Burnett	Menominee	Sawyer
	Douglas (part-census tracts 301-303)	Oconto	Vilas
	Florence	Oneida	Washburn
Wyoming	Entire State		

APPENDIX 3

LOCAL OFFICIAL REVIEW LISTING

1. Please refer to Appendix 1, Dictionary of Terms, for the definition of the terms used below.

2. Each general government will receive a listing showing the preliminary 1980 census counts for its area and for the applicable political subareas and statistical areas. The highest elected official of a county will receive the listing showing the county total and all the political and statistical subareas as shown in Example 3A. "County Listing—Local Official Review." Similarly, the highest elected official of each functioning minor civil division and incorporated municipality will receive the listing for their area as shown in, respectively, Examples 3B, "Minor Civil Division Listing—Local Official Review," and Example 3C, "Incorporated Municipality Listing—Local Official Review," Also, the tribal chairman or principal chief of an Indian Reservation or Alaskan Native Village will receive a listing as shown in example 3D.

3. Since the census enumeration is conducted by census District Offices, the local review listings will be prepared on that basis. Although the area covered by a District Office is generally one or more whole counties, it is possible that counties, minor civil divisions or municipalities with large populations may be in more than one District Office. In these cases, the governmental unit in question will receive a separate local review listing for the area covered by each District Office. Whenever a government is in more than one District Office, the symbol ** will appear after the entity name on the listings.

4. If a legal or statistical area is split by a larger area, the notation "pt" or "p" ("part") will appear after the area name or number. For example, if a municipality is in two or more counties, "pt" will appear after the municipality name on the county listings or if a census

tract is in more than one municipality, a "p" will be appended to the census tract code on the listing for each municipality.

5. When census tracts are split by minor civil division or municipal boundaries, the total for the split tracts will appear at the end of the listing for the county. (Tracts will not be split by county boundaries.) Only the portion of the tract within the MCD or municipality will appear on those listings.

6. The 1970 housing unit and population counts will be shown for tracts, places, MCD's, and counties. Where not available at any level, "(NA)" will be shown. They are not applicable for ED's, therefore, three dots, "..." will be shown.

7. The column labelled "Local Housing Estimate" will be blank on the local review listings so that the local estimates may be entered by the person(s) doing the review.

8. The 1970 total population and housing unit counts shown in the listings may not agree with the 1970 published counts because corrections have been made to the counts. Corrections were made because of errors found and corrected or because pieces of geography have been split and rearranged due to the formation of new political entities since 1970; for example, new cities incorporating or new minor civil divisions being formed out of previously unorganized territory. When the corrections were made, they were only made to the total population count or the total housing unit count; no determination was made as to whether the corrections were part of the group quarters population or the vacant unit counts. The group quarters population and vacant housing unit counts in the listings should agree with the published counts.

9. Population per household (POP/HH) is defined as total persons in households (total population minus the group quarters population) divided by the total number of occupied housing units (total housing units minus vacant units minus unclassified units.)

10. In the 1970 POP/HH calculation, the published 1970 population and housing unit counts will be used to perform this calculation since corrections were not made to group quarters population or the vacant unit counts (as explained in item 8 above). If uncorrected group quarters population and uncorrected vacant unit counts were subtracted from corrected total population and housing counts (see item 9 above), the resulting 1970 POP/HH or vacancy rates would be misleading.

11. The vacancy rate is based on total vacant units divided by the total housing units (excluding the unclassified units). If the total number of housing units is zero, "..." will be shown. Three dots means "not applicable."

12. Percent change is calculated by subtracting the 1970 counts from the 1980 preliminary counts and then dividing by the 1970 counts. If the 1970 count is zero, "..." will be shown. If the 1980 preliminary count is higher than the 1970 count, the percent change will be shown as (9%); if the 1980 preliminary count is lower, the percent change will be shown with a minus sign (—5%).

LOCAL OFFICIAL REVIEW (Part 1)

PRELIMINARY COUNTS - SUBJECT TO CHANGE

Component Parts	HOUSING UNITS Total	Vacant	Vacancy Rate	Local Estimate	1970 Total	% Hous Change 70-80	POPULATION Total	GQ	POP/HH	1970 Total	1970 POP/HH	% POP Change 70-80
County Name	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
MCD/CCD Name	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
Place Name (if any)	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
IR/ANV Name (if any)	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
Tract/BNA XXXX.XX (if any)	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
ED XXXXX	XXXXXX	XXXXXX	XXX.X		...	...	XXXXXXX	XXXXXX	X.XX	...	...	...
ED XXXXX	XXXXXX	XXXXXX	XXX.X		...	...	XXXXXXX	XXXXXX	X.XX	...	...	...
Tract/BNA XXXX.XX	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXXXX	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
Tract/BNA XXXX.XX	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXXXX	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
Untracted or Non/BNA Area (If any)	XXXXXXX	XXXXXX	XXX.X		(NA)	(NA)	XXXXXXX	XXXXXX	X.XX	(NA)	(NA)	(NA)
IR/ANV Name	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
IR/ANV Name	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
Not in IR/ANV (if any)	XXXXXXX	XXXXXX	XXX.X		(NA)	(NA)	XXXXXXX	XXXXXX	X.XX	(NA)	(NA)	(NA)
Place Name	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
Place Name	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
Remainder of MCD/CCD (if any)	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
MCD/CCD Name	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X
MCD/CCD Name	XXXXXXX	XXXXXX	XXX.X		XXXXXXX	XXXX.X	XXXXXXX	XXXXXX	X.XX	XXXXXXX	X.XX	XXXX.X

END OF JURISDICTION

D-341 DO XXXX County Name, St

COUNTY CODE Date MM/DD/YY Time HH:MM Page XXXXX

EXAMPLE 3A — COUNTY LISTING

LOCAL OFFICIAL REVIEW (Part 2)

PRELIMINARY COUNTS - SUBJECT TO CHANGE

Component Parts	HOUSING UNITS Total	Vacant	Vacancy Rate	Local Estimate	1970 Total	% Hous Change 70-80	POPULATION Total	GQ	POP/HH	1970 Total	1970 POP/HH	% POP Change 70-80
MCD Name	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Incorporated Municipality Name	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
IR/ANV Name (if any)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Tract/BNA xxxx.xx (if any)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
ED xxxxx	xxxxxxx	xxxxxx	xxx.x		...	...	xxxxxxx	xxxxxx	x.xx	...	...	...
ED xxxxx	xxxxxxx	xxxxxx	xxx.x		...	...	xxxxxxx	xxxxxx	x.xx	...	...	...
Tract/BNA xxxx.xx	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
.												
Tract/BNA xxxx.xx	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Untracted or Non-BNA Area	xxxxxxx	xxxxxx	xxx.x		(NA)	(NA)	xxxxxxx	xxxxxx	x.xx	(NA)	(NA)	(NA)
IR/ANV Name (if any)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
.												
IR/ANV Name	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Not in IR/ANV (if any)	xxxxxxx	xxxxxx	xxx.x		(NA)	(NA)	xxxxxxx	xxxxxx	x.xx	(NA)	(NA)	(NA)
Incorporated Municipality Name	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
.												
Incorporated Municipality Name	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Remainder of MCD/CCD (if any)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x

END OF JURISDICTION

D-341 DO xxxx MCD Name, County Name, St COUNTY, MCD CODES Date MM/DD/YY Time HH:MM Page xxxxx

EXAMPLE 3B — MINOR CIVIL DIVISION LISTING

LOCAL OFFICIAL REVIEW (Part 3)

PRELIMINARY COUNTS - SUBJECT TO CHANGE

	HOUSING UNITS						POPULATION					
Component Parts	Total	Vacant	Vacancy Rate	Local Estimate	1970 Total	% Hous Change 70-80	Total	GQ	POP/HH	1970 Total	1970 POP/HH	% POP Change 70-80
Incorporated Municipality Name	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
County Name (total for municipality)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
MCD/CCD Name (total for municipality)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
IR/ANV Name (if any)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Tract/BNA xxxx.xx (if any)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
ED xxxxx	xxxxxxx	xxxxxx	xxx.x		...	...	xxxxxxx	xxxxxx	x.xx	...	...	...
ED xxxxx	xxxxxxx	xxxxxx	xxx.x		...	...	xxxxxxx	xxxxxx	x.xx	...	...	...
Tract/BNA xxxx.xx	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Tract/BNA xxxx.xx	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Untracted or Non-BNA Area (if any)	xxxxxxx	xxxxxx	xxx.x		(NA)	(NA)	xxxxxxx	xxxxxx	x.xx	(NA)	(NA)	(NA)
IR/ANV Name	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
IR/ANV Name	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Not in IR/ANV (if any)	xxxxxxx	xxxxxx	xxx.x		(NA)	(NA)	xxxxxxx	xxxxxx	x.xx	(NA)	(NA)	(NA)
MCD/CCD Name (total for municipality)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
MCD/CCD Name (total for municipality)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
County Name (total for municipality)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
County Name (total for municipality)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x

END OF JURISDICTION

LOCAL OFFICIAL REVIEW (Part 3)

PRELIMINARY COUNTS - SUBJECT TO CHANGE

Component Parts	HOUSING UNITS						POPULATION					
	Total	Vacant	Vacancy Rate	Local Estimate	1970 Total	% Hous Change 70-80	Total	GQ	POP/HH	1970 Total	1970 POP/HH	% POP Change 70-80
IR/ANV Name	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
County Name (total for IR/ANV)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
MCD/CCD Name (total for IR/ANV)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Incorporated Municipality	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Tract/BNA xxxx.xx (if any)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
ED xxxxx	xxxxxxx	xxxxxx	xxx.x		...	...	xxxxxxx	xxxxxx	x.xx	...	...	...
ED xxxxx	xxxxxxx	xxxxxx	xxx.x		...	...	xxxxxxx	xxxxxx	x.xx	...	...	...
Tract/BNA xxxx.xx	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Tract/BNA xxxx.xx	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Untracted or Non-BNA Area (if any)	xxxxxxx	xxxxxx	xxx.x		(NA)	(NA)	xxxxxxx	xxxxxx	x.xx	(NA)	(NA)	(NA)
Incorporated Municipality	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Incorporated Municipality	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
Remainder of MCD/CCD (if any)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
MCD/CCD Name (total for IR/ANV)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
MCD/CCD Name (total for IR/ANV)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
County Name (total for IR/ANV)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x
County Name (total for IR/ANV)	xxxxxxx	xxxxxx	xxx.x		xxxxxxx	xxxx.x	xxxxxxx	xxxxxx	x.xx	xxxxxxx	x.xx	xxxx.x

END OF JURISDICTION

D-341 DO xxxx IR/ANV Name, St

IR/ANV CODES Date MM/DD/YY Time HH:MM Page xxxxx

Page _____ of _____ pages

Form Approved: O.M.B. No. 41-S79035

FORM D-74 (3-31-80)

U.S. DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS

LOCAL REVIEW PROGRAM RESPONSE

20th Decennial Census – 1980

1. Government name		
Lincolnville, Kentucky		
2. Name and title of reviewer		
J. Jones		
3. Telephone number	4. Date	5. D.O. code
(701)262-2222	June 30, 1980	

Specific area		Census count		Local estimate		Difference		Comments (include source and date of the local estimates)
Tract (if any) (a)	ED or block (b)	Housing (c)	Population (d)	Housing (e)	Population (f)	Housing (g)	Population (h)	(i)
0101	ED0208	420		505		85		Building and Demolition Permit Records as of 3/1/80 – ED0208, Block 120 contains a new housing development of 85 units.
	Block 120			142				
	121			126				
	122			84				
	123			93				
	124			145				
				Example of response from a jurisdiction having local estimates for census blocks.				
0502	ED0144	360		417		57		ED0144 contains the Lakehill Subdivision of 165 single family houses bounded by Seminary Rd., Ox Rd., Main Ave. and Hill St. ED0144 also contains the Seminary Rd. apts. of 252 units bounded by Seminary Rd., Ox Rd. and Fourth St. Source of estimates: Residential property tax files as of 1/1/80.
				Example of response from jurisdiction not having census blocks.				

FORM D-77 (APRIL 1980)

Page 16

APPENDIX 4 – EXAMPLE OF COMPLETED LOCAL REVIEW PROGRAM RESPONSE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

Civil Action No. 80-3172

CITY OF PHILADELPHIA, *et al.*, PLAINTIFFS

v.

PHILIP M. KLUTZNICK, *et al.*, DEFENDANTS

AFFIDAVIT

County of Prince Georges')
State of Maryland) ss

I, GEORGE E. HALL, being duly sworn hereby depose and say as follows:

1. I am Associate Director for Demographic Fields, U.S. Bureau of the Census, Department of Commerce, a position I have held since July 1979. In my official capacity I have the basic responsibility for the 1980 Decennial Census. In my official capacity I am familiar with the overall conduct of the 1980 Decennial Census and the various operations which comprise the census.

2. The following terms which will be used in this affidavit are defined as follows:

a. *Enumeration District (ED)* in a city is a field control area made up of whole blocks generally consisting of fewer than 325 addresses.

b. *Local Review* is a program in which the Bureau of the Census provided to the highest elected local official, counts of population and housing by enumeration district at the end of Follow-up I. The purpose was to provide the highest elected official with the opportunity to review those incomplete counts and indicate where omissions may have been made or errors made in assigning the geographic location to units already counted. Cities were

explicitly informed of the data that would be provided to them for this purpose. See Exhibit 1 attached hereto.

c. *Follow-up I.* In urban areas of the United States the 1980 Census was conducted by a "mail-out, mail-back" procedure. Registers are maintained of all addresses to which a form was mailed. If by mid-April, a form had not been returned and that fact noted in the address register, an enumerator was assigned to follow-up that address. The procedure of following up all non-mail returns was known as Follow-up I.

d. *Follow-up II.* When the questionnaires are received at the District Office (D.O.) each is reviewed for completeness and a determination whether certain persons or specific address had been missed. All such problem questionnaires as well as all "vacants and deletes" are reassigned to an enumerator to resolve problems, to determine if the vacant classification was correct, and to determine if deleted units were classified properly. This procedure is known as Follow-up II. Follow-up II also involves attempting to match names obtained from administrative records to the Census to make sure they were included.

e. *Deleted Unit.* During Follow-up I, enumerators were instructed to determine if an address included in the address register was actually a housing unit. If it was space used for non-living purposes, such as commercial or industrial building, structures which had been demolished or had not yet been completed they are "deleted" from the address registers.

3. It is my understanding that the plaintiffs in this action seek access to the following documents:

i. Master address register for the City listing the address of each dwelling enumerated in the 1980 Census;

ii. Listing of the vacant housing/dwelling units enumerated in the City in the 1980 Census;

iii. Census counts for population and housing units in the City by blocks and by block groups;

iv. Detailed breakdown of 1980 population by age, race, and sex;

v. Revised computer printout reflecting the effect of the Bureau's modifications to the preliminary population and housing counts which printout shall be presented in the same format as the original review figures.

4. The first group of documents sought by plaintiffs is the Master Address Register.* There is one address register for each enumeration district (ED). It contains not only the address for each dwelling unit in the ED, but also the surname of the householder for some occupied units (i.e., those units in multi-unit structures like apartment buildings). The address register also includes the occupancy status (occupied or vacant) and the number of persons in each occupied unit. It is my understanding these data are protected by title 13, United States Code, section 9, and may not be divulged.

5. The second group of documents sought by plaintiffs is the listing of vacant housing units.** Vacant units become known as the census proceeds particularly during follow-up I and this status is recorded in the address register. It is my understanding that such a listing would be confidential, protected by title 13, United States Code. At the end of follow-up I the number of vacancies by ED were reported to plaintiff City of Philadelphia as a part of the "local review" process. This process is described in Para. 2b above. The housing units listed as vacant (or as "delete" meaning uninhabitable) are then revisited later to verify their status.

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* An example of an address register is attached hereto as Exhibit 2.

** The form used to compile the list of vacants is attached as Exhibit 3.

6. The third group of documents sought by plaintiffs, population and housing figures by block and block groups, does not exist at this time. Such data will not be produced routinely until early 1981. In any case, it would not be possible to produce such data prior to the completion of all other work in the D.O. Special programs would have to then be written to produce the data from the computer. This would take at least three weeks beyond the closing of the last D.O. in Philadelphia.

7. The fourth group of documents sought by the plaintiffs is a "detailed breakdown of 1980 population by age, race, and sex." All of the counts discussed above are derived from the address registers. The information on age, race, and sex on the other hand are contained only on the census questionnaires. The census questionnaires are designed to be read only by electronic equipment located in our three processing offices in California, Louisiana, and Indiana. Accordingly, counts of the population by characteristics, such as age, race, and sex, cannot be made available until the 1980 census questionnaires are processed by computer. Data on age, race, and sex are scheduled to be available by July 1981. Counts by race only at the block level will be available by April 1981.

8. While it would be theoretically possible to generate a hand tally of such data should this court require it, the burden on the Bureau would be significant. The cost would be large and the time spent by the limited Census staff would distract them from their duties related to completing the Census. In any case, such data could not be produced and provided to the City until long after the last D.O. in the City had completed all of its other work.

9. The final group of documents sought by plaintiffs is a revised computer printout showing an updated version of the data presented to the plaintiff City as a part of local review. Since the initial local review counts were produced, geographic refinements have been ac-

complished. It would not be possible to reproduce in exactly the same format as they were originally provided. To attempt to do so would seriously jeopardize our ability to complete 1980 Census processing within the schedule needed to provide counts to the President by December 31, 1980, since it would require a change in the overall data base used to produce these counts for the entire country.

/s/ George E. Hall
GEORGE E. HALL

Subscribed to and sworn before me this
16th day of August 1980.

/s/ Carol Dixon Pearson
Notary Public

My Commission expires July 1, 19—.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No. 80-2638

PETER SHAPIRO, Essex County Executive
PLAINTIFF

vs.

PHILIP M. KLUTZNICK, Secretary
U.S. Department of Commerce

VINCENT P. BARABBA, Director
U.S. Bureau of the Census
DEFENDANTS

AFFIDAVIT

STATE OF NEW JERSEY)
) ss
COUNTY OF ESSEX)

Nick Koval, of full age, being duly sworn according to law, upon his oath, deposes and says:

1. I am a planner in the Division of Planning, Department of Planning & Economic Development, County of Essex. I was chiefly responsible for compiling a list of street addresses in Essex County to be used in conjunction with the Census.

2. The list was compiled from municipal and county tax records and contains, I believe, every street address in Essex County.

3. Tax records (supplemented by field inspections) were used as my source material because they are the most complete records available on street addresses in the County. Indeed, the Bureau of the Census itself recognizes the superiority of tax records and has asked the County to prepare a list of streets and address ranges from our tax records for use in a future Census.

4. Despite the Bureau's recognition of the superiority of tax records, the Bureau refuses to use our tax records to compile its address list. We offered to make our records available for that purpose in the Fall of 1979, when the Bureau was in the process of compiling its list. The offer was refused because, the Bureau said, it wanted to use a uniform system nationwide. The Bureau was, in other words, more concerned with uniformity than accuracy.

5. We intend to use the Bureau's address list solely in order to determine whether the Bureau missed addresses already known to us. We can make that determination by having a computer "read" the County's list and the Bureau's list and divulge only those addresses that do not appear on the Bureau's list.

6. I understand that other data besides street addresses is contained on the Bureau's address register. We have no interest in that other data and, under the method of computer disclosure that we proposed, all such other information would be automatically deleted and would never be accessible by us.

/s/ Nick Koval
NICK KOVAL

Sworn and subscribed to
before me this —— day
of ————, 1980.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 80-3172

PETER SHAPIRO, PLAINTIFFS

v.

PHILIP M. KLUTZNICK, *et al.*, DEFENDANTS

AFFIDAVIT

County of Prince George's
State of Maryland) ss

I, DONALD R. DWYER, being duly sworn hereby depose and say as follows:

1. I am a survey statistician in the Decennial Census Division, Bureau of the Census. In my official capacity, I am familiar with the overall field data collection phase of the decennial census operation.

2. It is my understanding that plaintiff in the above captioned action seeks access to the master address registers of Essex County, New Jersey

3. The Master Address Register contains not only the address for each dwelling unit in the Enumeration District (ED)*, but also the surname of the householder for some occupied units (i.e., those units in multi-unit structures such as apartment buildings). The address register also includes the occupancy status (occupied or vacant/deleted) and the number of persons in each occupied unit. It is my understanding these data are protected by 13 U.S.C. 9, and may not be divulged.

4. It is also my understanding that Essex County has developed a comprehensive list of addresses and seeks to determine whether the Bureau of the Census has failed

* An ED is an area made up of whole blocks containing, in large urbanized areas, somewhat fewer than 325 addresses. In suburban areas there are typically more than 325 addresses.

to include any of these addresses in the 1980 Census. The local review procedure as described in the attached suggests that local governments such as Essex County prepare counts of housing units (specific addresses) for small graphic areas (ED's). These counts would then be compared with the local review counts from the census. In those ED's where the city's count is significantly higher, the Census District Office will examine the addresses for that ED and recanvass/enumerate any that are missing. While it is theoretically possible to reconcile Essex county's entire disorganized list with the Bureau's address registers, the burden on the Bureau would be untenable. The cost would be large and the time spent by the limited Census staff would seriously distract them from their duties related to completing the Census.

/s/ Donald R. Dwyer
DONALD R. DWYER

Subscribed to and sworn before me
this 22 day of August 1980

/s/ Irene C. Stewart
Notary Public

My commission expires
July 1, 1982

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No. 80-2638

PETER SHAPIRO, *et al.*, PLAINTIFF

v.

PHILIP M. KLUTZNICK, *et al.*, DEFENDANTS

AFFIDAVIT OF WILLIAM HILL

State of New York)
County of New York) ss

I, WILLIAM HILL, being duly sworn hereby depose and say as follows:

1. I am the Director of the New York Region of the Census Bureau and have been so since January of this year. In this capacity I am responsible for the operations of the Census Bureau in New York City, Long Island, Westchester, Orange and Rockland counties and several New Jersey counties, including Essex. At its peak, the census operation in this District involved approximately 14,000 personnel. I received a Bachelor of Arts degree, with a major in economics and mathematics from New York University in 1964, and have also pursued advanced studies in statistics and demography. I have been employed by the Census Bureau since 1966, originally as a Survey Statistician and Supervisory Survey Statistician in New York, and then for two years in Headquarters as an assistant branch chief. In 1974, I became the Assistant Regional Director of the New York Region and in January of this year, I became Acting Regional Director and subsequently I became the Regional Director.

2. PURPOSE AND OVERVIEW OF LOCAL REVIEW

The Local Review Program is one of several Census Bureau (Bureau) efforts specially designed to improve the completeness and accuracy of the 1980 census. Its purpose was to allow for the review of "working level" housing unit counts by enumeration district by local government officials with expert local knowledge before those counts became final and while census district offices were open and able to check properly reported discrepancies. Local review was designed and implemented to pinpoint potential problems such as clusters of missed housing units, geographic misallocations resulting in housing units or group quarters being recorded in an incorrect location, or incorrectly located geographic boundaries. In order for the Bureau to conduct its Local Review Program effectively and within the census time schedule, it was necessary for both the Bureau and the participating units of government to follow a predetermined program plan as thoroughly described in the 1980 Census Revised Local Review Program Information Booklet which is attached to this affidavit as Exhibit 1C. The Local Review Program had two important, critical requirements which are summarized below:

a. the local review process was to be completed by a participating unit of government within a 10 working day period (as described in Exhibit 1C, page 3).

b. the reponses of governmental units to the Local Review Program were a) to be based on factual and quantifiable evidence and b) to be provided at certain geographic levels which would enable the Bureau to perform necessary investigative work in resolving any reported discrepancies (as described throughout Exhibit 1C).

These requirements will be described more fully in paragraphs 4 and 5 of this affidavit.

3. CHANGE IN PROGRAM PLANS FOR LOCAL REVIEW

The local review program was originally announced in February 1979 (see Local Review Program Information Booklet, Exhibit 1A). The program consisted of a two step local review process—precensus local review and post census local review. In March 1980, the Census Bureau announced that the Local Review Program would have to be modified (see Modification to the Local Review Program Exhibit 1B). This became necessary primarily because computer-generated address counts for precensus local review would not reflect a large number of housing units being added clerically to the master address lists just prior to Census Day. The utility of precensus local review would, therefore, be minimized since the Bureau would still be in the process of correcting and updating the listing of housing units at the very same time the governmental unit's local review effort would be pointing out deficiencies which the Bureau was already aware of and correcting prior to mailing out census forms. The modification also provided additional time (about 4 weeks) for the Bureau and local officials to resolve differences beyond the time that would have been available in the original postcensus local review time period (7-10 days). The Bureau believed that the program, as modified, was still an effective device for reviewing the census data. The 1980 Census Revised Local Review Program Information Booklet, reflecting the modifications, was sent to local officials in late April or early May 1980.

4. CENSUS BUREAU ROLE IN LOCAL REVIEW

As fully described in Exhibit 1C to this affidavit, the Census Bureau was to provide predetermined materials to the highest elected official of a local unit of government in order for that unit of government to participate in and respond to the Local Review Program. These materials, all of which were sent to Essex County on or before September 3, consisted of the following:

A. Form D-70, Local Review Program Information Booklet, which described the initial Local Review Program and which was mailed to the County in February, 1979 (see Exhibit 1A).

B. A letter to the highest elected official from the Census Bureau Director which explained certain changes to local review program and which was mailed to the County in March, 1980 (see Exhibit 1B).

C. A letter to the highest elected official from the Census Bureau Director which further explained the local review program and alerted the highest elected official that the below listed materials were being provided to the County. This letter was mailed to the County on May 3, 1980 (see Exhibit 2).

1. Form D-77, 1980 Census Revised Local Review Program Information Booklet which was mailed to the County on May 3, 1980 (see Exhibit 1C).

2. enumeration district (ED) maps which provided geographic boundary delineation of all enumeration districts (ED's) within the County and which were mailed to the County on May 3, 1980.

3. Form D-416, Local Review Graphic Areas Reference List, which was a computer printout and was to be used in conjunction with the aforementioned ED maps. These data were mailed to the County on May 3, 1980.

4. A 1980 census map legend which explained the symbolization on 1980 census maps and which was mailed to the County on May 3, 1980.

The provision of these materials to the County enabled the County to make necessary plans for the conduct of the Local Review Program while the enumeration was still in progress. The principal intent of this early delivery of informational materials was to provide the County with sufficient time to prepare its plans and approach to the Local Review Program.

D. The Local Review Program was officially scheduled to begin when governmental units received Form D-341, Local Official Review List, from the Bureau (see Exhibit 1C, pages 11-15). These materials were sent to the County on the dates shown in paragraph 6, approximately 3 months after all planning information had already been sent to the County. Form D-341, was a computer printout containing the following 1980 census local review information displayed by enumeration district

—housing unit totals

—vacant housing unit totals

—housing vacancy rate

—population totals

—group quarter population totals

—population per household totals

The receipt of Form D-341 enabled the conduct of the Local Review Program by the County as it was designed. A period of 10 working days was allowed for the City to respond to the Local Review Program once they received these data.

E. Once acceptable local review information was received from the County, the Bureau would take necessary actions, including physically recanvassing those ED's for which there was a

factual base for disagreement, to be certain that the enumeration was accurately accomplished. Corrections to the local review counts were then made as necessary.

5. ESSEX COUNTY'S ROLE IN LOCAL REVIEW

Essex County was offered the opportunity to participate in the Local Review Program. In this way the County, like other units of government throughout the country, was offered the opportunity to provide expert local knowledge accompanied by factual evidence to assure a complete census count within the County. In order for the County to participate constructively in local review as well as enable the Bureau to perform necessary analysis of the County's input during local review, the County was requested to do the following:

A. Utilize a method of comparing independent data available to the County with that provided by the Bureau to assure complete enumeration coverage. It is important to emphasize that the data utilized by the County have a factual and quantifiable base (not merely be based on intuition or more broad geographic estimates which do not enable complete analysis) in order for the Bureau to take any required corrective action and reconcile differences. Data were provided to the County at the ED level and the County was required to respond either at the ED level or at a geographic level which could clearly be converted to ED geography, such as city blocks within an ED.

B. Perform the necessary analysis of census data at the ED level and identify suspected discrepancies if and when such discrepancies were found.

C. Document, in an orderly and predetermined manner, all such discrepancies on form D-74, Local Review Program Response (see Exhibit 1C, page 16), based on the instructions contained in Exhibit 1C.

D. Provide the Bureau with the results of the County's local review of census data within 10 working days of receipt of the information contained on form D-341 (see Exhibit 1C, pages 11-15).

6. IMPLEMENTATION OF THE LOCAL REVIEW PROGRAM IN ESSEX COUNTY

A. Essex County was subdivided into two district office areas: numbered 2258 and 2212. District office 2258 includes all of Newark City. There are approximately 365 enumeration districts (ED's) in the city of Newark. An ED consists of one or more blocks which are used to administratively control census operations. Local review data for Newark City as described in subparagraph 4D above were delivered to the County and City on August 4, 1980. Local review data were mailed to the County for areas in the balance of the county on September 3, 1980. In the Local Review Program, county officials are provided with data for the county as a whole in addition to all political jurisdictions within the county.

B. The local review data, which were forwarded to the County consisted of computer printouts as described in paragraph 4D above and contained the following 1980 local review information by enumeration district:

—housing unit totals,

—vacant housing unit totals,

—housing vacancy rate,

—population totals,

—group quarter population totals, and

—population per household totals.

The computer printouts also contained 1970 final census data by tract level for housing unit and population totals, and percentage comparisons of these 1970 and 1980 figures.

C. For the material covering the City of Newark, the City's and County's responses were due by August 18, 1980, and for the balance of the county, the response was due by September 17, 1980.

7. ESSEX COUNTY PARTICIPATION IN LOCAL REVIEW

A. In response to local review data provided to the City and county, local officials submitted information described more fully below to the Bureau as part of their local review responsibilities.

B. A response was received from the Mayor of the City of Newark on August 14 which identified 10 ED's where the city believed problems existed with the census counts. That response, a letter from Mayor Kenneth Gibson of Newark is attached as Exhibit 3. Mayor Gibson commended the efforts of the Bureau during the 1980 census and indicated that except for the problems in 10 ED's, census results contained no gross omissions in housing unit coverage. The city was notified by letter, that recanvassing would be done in those 10 ED's, and except for 2 ED's, the recanvassing has been completed. As a result of the recanvassing, the Bureau added 678 persons to the count for the city. As soon as the recanvassing is completed, the city will be noti-

fied of the results of this effort. In addition, Mayor Gibson in his letter reported that four additional ED's had unusually high vacancy rates and urged the Bureau to undertake a careful review of these ED's. Field recanvassing is currently underway in those ED's.

C. In a letter to the Bureau dated August 15, Mr. Peter Shapiro, County Executive, identified five ED's where potential problems existed (see Exhibit 2A). The Bureau informed Mr. Shapiro on August 20 that we would recanvass each of the ED's. That recanvass has just been completed and as a result, the Bureau added 45 persons to the count. A formal response to Mr. Shapiro is being prepared which will provide him with the results of the recanvass.

D. The "working" level population count for the city of Newark which was provided as part of the Local Review Program was 308,960 and for the remainder of Essex County, 511,329.

E. Local review materials for the remaining jurisdictions within Essex County were mailed on September 3 and as of this date, only Bloomfield town has responded. Town officials identified 6 ED's which they believe have high vacancy rates. Each of these ED's will be recanvassed.

F. The Bureau of the Census remains fully committed to completing the review of complaints arising from the Local Review Program, providing the requirements described above are met.

8. ADDITIONAL IMPROVEMENTS IN CENSUS PROCEDURES

A. Although the Local Review Program was a major new innovation to help improve the cov-

erage of the population for the 1980 census, many additional new and expanded techniques were developed and implemented. As an example, to assure better housing unit coverage, the following procedures were implemented.

1. In areas such as Essex County, the Census Bureau procured an address list on computer tape from a commercial firm. The list was subjected to three sequential post office checks involving the update and correction by the United States Postal Service (USPS). The first of these checks is the Advance Post Office Check (APOC) which took place during the summer of 1979. The addresses on the list were printed out on cards one address to a card, and sent to the post office. Through special arrangements with the post office and using procedures prepared in cooperation with the USPS, the individual carriers checked (i.e., "case") the cards for their areas and identified any addresses they knew about for which a card has not been provided and made corrections to erroneous addresses. Upon completion of the advance post office check, these "missing addresses" and corrections were processed and added to the initial list. Later this updated computer file was used to address individual questionnaires for each housing unit. There are also a number of addresses which the Census Bureau has in its files which cannot be coded to a specific geographic location. These addresses are coded by clerks and added to the master address register in the field. The computer files are not updated to reflect these additions which appear only as handwritten entries in the

registers. The second postal check occurred early in March 1980 when the postal carriers received their addressed questionnaires and, once again, performed a check to identify any addresses for which they did not have a questionnaire. These were reported to the Census Bureau which added them only to the master address register and addressed a questionnaire for the housing unit which had been missed. On March 28, 1980, as the carriers delivered the census questionnaires, they performed the third address check. Referred to as the time-of-delivery check, they reported the address for any housing unit on the route missing a questionnaire. These were then added *only* to the master address register by the Census Bureau.

2. Early in 1980 and prior to Census Day, the Census Bureau hired and trained enumerators who performed a physical canvass of each city block and building to identify housing units which were not on the master address register. These were added to the list and questionnaires prepared. The computer file is not updated.

3. Each householder, in completing the questionnaire, was asked to report on the number of living quarters in the building. If this report differs from the master address register, it was investigated and housing units added if necessary. These additions are not reflected on the computer file.

4. Any address in the master address list for which a questionnaire was not returned by mail was visited by a census enumerator to conduct an interview. Any listing deleted

from the master address register by one enumerator was checked again by a second enumerator. The computer file is not updated.

B. Using the techniques described above, the Bureau believes that it has compiled and utilized the most complete, comprehensive, and accurate address list possible for the 1980 census. The Census Bureau did not include in this program and procedure for obtaining address lists from local jurisdictions throughout the country. Because the Bureau was utilizing a system successfully tested in the 1970 census and then further refined, the Census Bureau did not see the benefit in supplementing the list with local lists considering the inefficiencies involved. Each of the approximately 39,500 units of government would have had the opportunity to submit address lists for inclusion in the census. Working with a locally-prepared and, most likely, uniquely arranged list for each area the Census Bureau would somehow have had to develop means of standardizing each list and merging all the lists with what we already had on the computer—A task which we believe is impossible for this agency to accomplish within reasonable cost and time limits. Further, we believe that the procedures we described, including the local review effort will result in the most complete and accurate housing unit count possible in a cost-efficient manner.

9. USE OF TAX RECORDS

Although there was an offer by the county to furnish the Bureau with a list of structures obtained from tax records, such a list would not be useful because of the inherent deficiency of such lists which

usually do not include units within structure. If such a list contained units within structure, the county could have used it as a means for responding to the Local Review Program by appropriate Bureau geography.

/s/ William Hill
WILLIAM HILL

Subscribed and sworn to before me this
19 day of September, 1980.

/s/ Esli Ramón González
Notary Public

My commission expires 1982

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 80-2638

Filed April 27, 1981

PETER SHAPIRO, Essex County Executive, PLAINTIFF

v.

PHILIP M. KLUTZNICK, Secretary,
United States Department of Commerce

VINCENT P. BARABBA, Director, United States
Bureau of the Census, DEFENDANTS

NOTICE OF APPEAL

Notice is hereby given that Philip M. Klutznick and Vincent P. Barabba, defendants above named, hereby appeal to the United States Court of Appeals for the Third Circuit from the entirety of the order entered in this action on August 29, 1980.

WILLIAM W. ROBERTSON
United States Attorney

By: /s/ G. Donald Haneke
G. DONALD HANEKE
Assistant United States Attorney
Counsel for Defendants

SUPREME COURT OF THE UNITED STATES

No. 80-1436

MALCOLM BALDRIGE, SECRETARY OF COMMERCE, ET AL., PETITIONERS,

v.

PETER SHAPIRO, Essex County Executive

ORDER ALLOWING CERTIORARI

Filed April 27, 1981

The petition herein for a writ of certiorari to the United States Court of Appeals for the Third Circuit is granted.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1981 349882 821